

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.8462 OF 2013

V.Amudhan

... Petitioner

Vs

1. The District Educational Officer
Alagesan Nagar, Chingleput,
Kancheepuram District

2. The Secretary
P.T.V.S. High School,
Thirukazhikundram
Kancheepuram District-Pin 603 109

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to pay to the petitioner the normal full pension from 01.09.2001 for the service rendered by the petitioner as Tamil Pandit and retired on 01.09.2001, from the 2nd respondent school.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.C.Munusamy, SGP (R1)
: No appearance (R2)

सत्यमेव जयते
ORDER

According to the petitioner, he joined as Tamil Pandit in the second respondent on 09.12.1977. While he was working as such, he was subjected to departmental proceedings for the alleged misappropriation of funds along with others, due to which, he was suspended from service from 13.06.2001 to 30.07.2001. However, after trial, he was acquitted from the criminal proceedings by judgement dated 19.06.2009 in SC No.306 of 2003. Pursuant to the same, his suspension order was revoked and he was permitted to join duty and the period of suspension was treated as duty period. Thereafter, on reaching the age of superannuation, he retired from service on 31.08.2007, but his retiral benefits and pension were not paid. Subsequently, as per

the order of this Court passed in WP.No.12194 of 2004 filed by the petitioner, he was paid the provisional retirement benefits. Since he was not paid the full pension and other consequential benefits, the petitioner made a representation dated 07.03.2013 to the respondents. Finding no response on the same, he has preferred the present writ petition.

2.The learned counsel for the petitioner submitted that though the suspension was revoked and the petitioner was permitted to join duty and retire from service and his suspension period was treated as duty period, the respondents have to settle the entire pensionary benefits payable to the petitioner. However, till date, the same has not been done. Therefore, the learned counsel prayed for appropriate direction in this regard.

3.On the other hand, the learned Special Government Pleader appearing for the first respondent fairly submitted that the first respondent shall consider the claim of the petitioner, if it is pending and pass appropriate orders, on merits, within a stipulated time to be fixed by this Court.

4.Despite the service of notice, there is no representation for the second respondent.

5.Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the claim of the petitioner with respect to settlement of entire pensionary benefits due to him, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

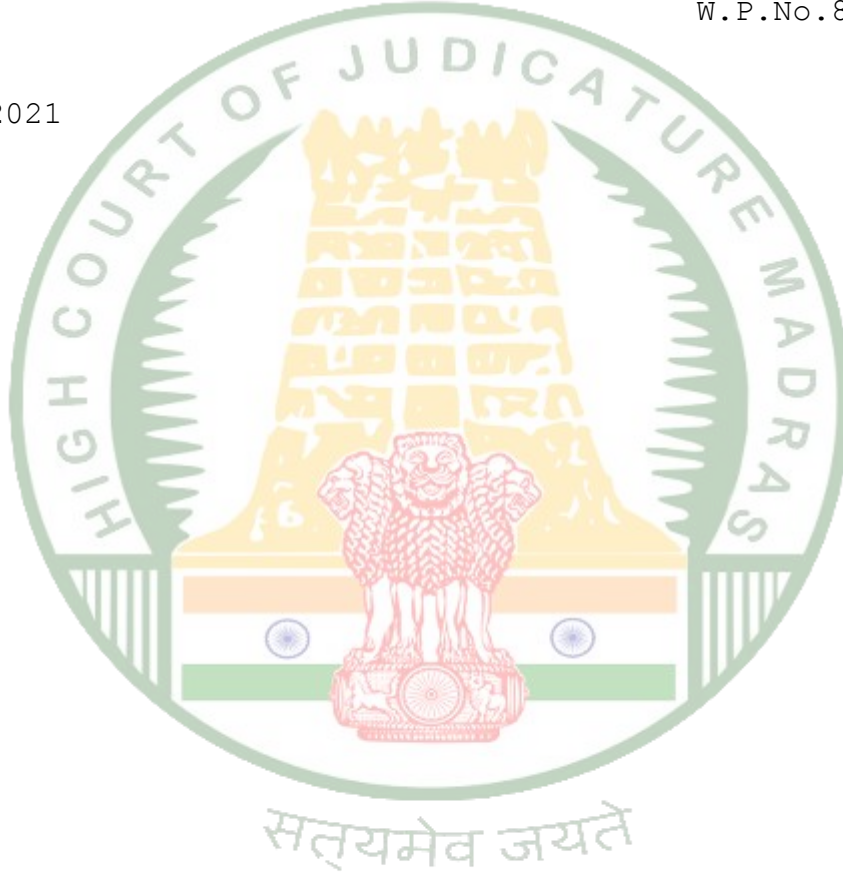
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To

1. The District Educational Officer
Alagesan Nagar,
Chengalpet,
Kancheepuram District
2. The Secretary
P.T.V.S. High School,
Thirukazhikundram
Kancheepuram District-Pin 603 109

W.P.No.8462 of 2013

SKY (CO)
CS/24/03/2021



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